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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,762	01/04/2001	Jimmy Randolph Lewis	29488/36815	3783

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MARSHALL, GERSTEIN & BORUN LLP
6300 SEARS TOWER
233 S. WACKER DRIVE
CHICAGO, IL 60606

EXAMINER

SHAPIRO, JEFFERY A

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 08/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/754,762

Applicant(s)

TOD, JR., G. ROBERT

Examiner

Jeffrey A. Shapiro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 1986.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 and 29-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 1-6 and 29-36 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 10.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spindler et al (US 5,509,538). Spindler discloses the following.

As described in Claims 7 and 18

1. a plurality of lights (46, for example) , each light associated with a bin (note the designation of "work zones" represents cartons—see col. 9, lines 42-46);
2. at least one number display (38) for showing a desired quantity of each stock item;
3. at least one container display (42 or 44) for showing a unique container identifier associated with a selected container into which each

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stock item is to be placed (see col. 11, lines 25-30, noting that the LCD display (44) includes a sku number);

4. each container is assigned a unique identifier (again, note the location and sku as well as noting that it would have been obvious to one ordinarily skilled in the art to place a bar code identifier on each carton, or an radio-frequency (RF) tag, as described in Theimer et al (US 5,627,517);

5. a computer (32) operably connected to the lights, the at least one number display, and at least one container display;

6. wherein the computer (32) receives the orders for the stock items and assigns a selected container to each stock item;

7. directs the at least one number display to show the desired quantity of each stock item (see put display (42)),

8. directs the at least one container display to show the unique container identifier associated with the selected container assigned to each stock item (again, not the sku, etc.);

9. and illuminates the light for the bin associated with the specific stock item, so that the stock worker is directed to transfer each stock item from the associated bin to the assigned container (note also rack number (12a);

9a. a conveyor (34) positioned near the bins;

As described in Claims 8 and 19;

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10. a plurality of central indicators, in which each central indicator incorporates a number display and a container display, and wherein each central indicator is associated with a section of the bins (note the local computer (25);

As described in Claims 9 and 20;

11. in which each central indicator further comprises an arrow display operably connected to the computer, the computer controlling each arrow display to illuminate an arrow directing the stock worker to a subsequent bin (note that the location (40) is given, and that it would be obvious to those ordinarily skilled in the art to provide an arrow display to display direction—note also that location (40) appears to have an arrow located to the right of the location number);

As described in Claims 10 and 21;

12. each central indicator further comprises a multi-purpose exception button operably connected to the computer (note the buttons (adjust, split and cancel, among others, on the display of figure 2);

As described in Claims 11 and 22;

13. the lights are incorporated into bin indicators associated with the bins, each bin indicator further comprising a quitting switch operably connected to the computer and adapted to generate a pick complete signal (note that the various portions of the display are provided with different color illumination, see col. 7, lines 1-16);

As described in Claims 12 and 23;

14. integrated bin indicators associated with the bins, each integrated bin indicator including the number display, the container display, and the light (see figure 2);

As described in Claim 13 and 24;

15. each integrated bin indicator further comprising an arrow display operably connected to the computer, the computer controlling each arrow display to illuminate an arrow directing the stock worker to a subsequent bin (note prior discussion, above);

As described in Claims 14 and 25;

16. each integrated bin indicator further comprises a quitting switch operably connected to the computer and adapted to generate a pick complete signal (note the "cancel" button on panel (36));

As described in Claims 15 and 26;

17. each integrated bin indicator further comprises a multi-purpose exception button operably connected to the computer (see discussion, above);

As described in Claims 16 and 27;

18. several stock workers are assigned to primary bin sections, and in which the computer directs each stock worker to pick products from bins with the assigned primary bin section (note that multiple workers are assigned to various areas, as illustrated in the figures);

As described in Claims 17 and 28;

19. the computer may override the assigned primary bin section to direct stock workers to heavy pick areas (note that the "split" function allows workers to split batches up);

Conclusion

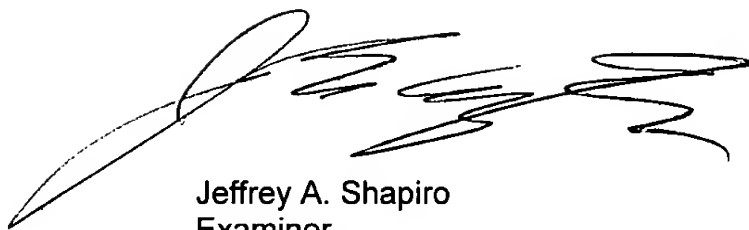
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Conboy et al discloses a carrier having light indicators. Sato et al, Cox et al, Radcliffe, and Boyd et al disclose order distribution systems with computer scheduling and monitoring.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (703)308-3423. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (703)306-4173. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

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A handwritten signature in black ink, appearing to read 'Jeffrey A. Shapiro', written in a cursive style.

Jeffrey A. Shapiro
Examiner
Art Unit 3653

August 25, 2003

A handwritten signature in black ink, appearing to read 'Donald P. Walsh', written in a cursive style.

DONALD P. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600